

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE METHYL TERTIARY BUTYL ETHER : Master File No. 1:00-1898  
PRODUCTS LIABILITY LITIGATION : MDL 1358 (VSB)  
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This Document Relates To:  
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*Orange County Water District v. Unocal* :  
Corporation, et al., :  
Case No. 04 Civ. 4968 (VSB) :  
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**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO  
DEFENDANTS ULTRAMAR, INC., VALERO REFINING COMPANY-CALIFORNIA,  
VALERO MARKETING AND SUPPLY COMPANY, TESORO PETROLUEM  
CORPORATION, TESORO REFINING AND MARKETING COMPANY LLC,  
SOUTHERN COUNTIES OIL CO., CITGO PETROLEUM CORPORATION, AND USA  
GASOLINE CORPORATION**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of defendants Ultramar, Inc., Valero Refining Company-California, Valero Marketing and Supply Company, Tesoro Petroleum Corporation (name subsequently changed to Tesoro Corporation, and then to Andeavor, prior to being acquired by Marathon Petroleum Corporation effective October 1, 2018), Tesoro Refining and Marketing Company LLC (incorrectly named as Tesoro Refining and Marketing Company, Inc.), Southern Counties Oil Co., CITGO Petroleum Corporation, and USA Gasoline Corporation (now known as Moller Investment Group, Inc.) with prejudice, and further stipulate that each side is to bear their own costs and attorneys' fees. This Stipulation of Dismissal is effective upon filing.

*Hester Industries, Inc. v. Tyson Foods, Inc.* 160 F.3d 911, 916 (2nd Cir. 1998).

It is hereby ORDERED that all of the claims against Ultramar, Inc., Valero Refining Company-California, Valero Marketing and Supply Company, Tesoro Petroleum Corporation, Tesoro Refining and Marketing Company LLC, Southern Counties Oil Co., CITGO Petroleum Corporation, and USA Gasoline Corporation are hereby dismissed, with prejudice and no further approval or review is required by the Court.

Date: March 22, 2022

MILLER & AXLINE  
A Professional Corporation

By: s/ Tracey O'Reilly  
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Orange County Water District

Date: March 22, 2022

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Valero Marketing and Supply Company

Date: March 22, 2022

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Date: March 22, 2022

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Dated: March 22, 2022

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CITGO Petroleum Corporation

Date: March 22, 2022

MANATT, PHELPS & PHILLIPS, LLP

By: s/Peter Duchesneau  
Peter Duchesneau  
Attorneys for Defendant USA Gasoline  
Corporation (now known as Moller  
Investment Group, Inc.)

SO ORDERED:

  
Hon. Vernon S. Broderick

March 23, 2022

Dated

*In Re Methyl Tertiary Butyl Ether (MTBE) Products Liability Litigation:  
Orange County Water District v. Unocal Corp., et al., Case No. 04 Civ. 4968*

## **PROOF OF SERVICE VIA LEXISNEXIS FILE AND SERVE**

I am a citizen of the United States and an employee in the County of Sacramento. I am over the age of eighteen (18) years and not a party to this action. My business address is Miller & Axline, 1050 Fulton Avenue, Suite, 100, Sacramento, California 95825.

On the date executed below, I electronically served the document(s) via File & ServeXpress, described below, on the recipients designated on the Transaction Receipt located on the File & ServeXpress website:

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO  
DEFENDANTS ULTRAMAR, INC., VALERO REFINING COMPANY-CALIFORNIA,  
VALERO MARKETING AND SUPPLY COMPANY, TESORO PETROLUEM  
CORPORATION, TESORO REFINING AND MARKETING COMPANY LLC,  
SOUTHERN COUNTIES OIL CO., CITGO PETROLEUM CORPORATION, AND USA  
GASOLINE CORPORATION**

I declare under penalty of perjury that true and correct copies of the above document(s) were served via File & ServeXpress on March 22, 2022.

/s/ *Kathy Herron*  
**KATHY HERRON**